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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,563	03/31/2001	Carolyn Ramsey Catan	US010154***	6354

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BRIARCLIFF MANOR, NY 10510

EXAMINER

SIDDIQI, MOHAMMAD A

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/823,563

Applicant(s)

CATAN, CAROLYN RAMSEY

Examiner

Mohammad A Siddiqi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-17 are presented for examination.

#### ***Specification***

2. The disclosure is objected to because of the following informalities:  
Claim 14 is dependent on 12. For examining purpose claim 14 is dependent on 13. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gazdzinski et al. (6,615,175) (hereinafter Gazdzinski) in view of "Official Notice".

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5. As per claims 1, 6, and 13, Gazdzinski discloses a system for identifying and selecting at least one data resource in a data store, comprising:

an machine-readable reader system (col 4, lines 5-20) with a user interface (col 7, lines 27-29);

a Resource base having resource (internet or intranet, col 10, lines 23-59);

at least one processor connected to said reader to receive reader system data from said reader system data and to control and receive data from said user interface (col 3, lines 19-43, col 4, lines 5-20); said

at least one processor being programmed to generate a query for use in searching said resource base responsively to said an machine-readable reader system data (col 7, lines 27-29, col 3, lines 19-43, col 4, lines 5-20); said

at least one processor being programmed to generate a query to identify at least one resource matching said query and determine a confidence (col 9, lines 50-54) level of said matching (col 9, lines 25-54); said

at least one processor being programmed such that when said confidence level is lower than a predetermined confidence level (col 9, lines 45-65), said at least one processor receives input from said user interface

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defining a new resource and stores (col 6, line 25) said new resource in said resource base or another resource base (col 9, lines 45-65).

Although Gazdzinski shows substantial features of the claimed invention including reader system, RFID tag, and internet/intranet accessible information base. Gazdzinski does not explicitly teach a machine-readable label (MRL). "Official Notice" is taken that both the concept and advantages of providing RFID tag/Smart technology based device can provides scanning from greater distances than bar code scanning. It would have been an obvious modification to the system disclosed by Gazdzinski to use RFID tag system interface and process information from remotely stored resource base.

6. As per claims 2 and 7, Gazdzinski discloses wherein said MRL includes a radio transponder or transmitter (col 5, lines 60-63, col 3, lines 19-43, col 4, lines 5-20).

7. As per claims 3 and 8, Gazdzinski discloses said at least one processor is programmed such that when said confidence level is higher than said predetermined confidence level, said at least one processor receives input.

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from said user interface indicating a desirability of said at least one resource to said user and to update a preference data store responsively to said input (col 9, lines 45-65).

8. As per claim 4, Gazdzinski discloses wherein said at least one processor is programmed such that when said confidence level is lower than said predetermined confidence level, said at least one processor identifies a resource not matching said query by substituting a term in said query that identifies one of an object associated with said reader, an object associated with an MRL, or another term and searches responsively to said query for a resource and, upon finding said resource, generates an output responsive thereto (col 3, lines 19-43, col 4, lines 5-20, col 9, lines 45-67, col 10, lines 1-12).

9. As per claims 5 and 10, Gazdzinski discloses wherein said term is a term characterizing said object associated with said reader (fig 15, col 20, lines 9 -42).

10. As per claim 9, Gazdzinski discloses wherein said reader is programmed such that when said confidence level is lower than said

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predetermined confidence level, said at least one processor receives input from said user

interface defining a new resource and stores said new resource in said resource base or another resource base (col 9, lines 22-65).

11. As per claim 11, Gazdzinski discloses wherein said reader is programmed such that when said confidence level is lower than said predetermined confidence level, said at least one processor identifies a generic resource responsive to said object associated with an reader system (fig 15, col 9, lines 22-65).

12. As per claim 12, Gazdzinski discloses, wherein said reader is programmed such that when said confidence level is lower than said predetermined confidence level, said at least one processor receives input from said user interface defining a new resource and stores said new resource in said resource base or another resource base (fig 15, col 9, lines 22-65).

13. As per claim 14, Gazdzinski discloses, wherein said message suggests to a user that the user use a different one of an object associated with a



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reader and an object associated with an reader system (fig 15, col 20, lines 9 -42).

14. As per claim 15, Gazdzinski discloses, further comprising the steps of, when said further confidence level is lower than said predetermined level or another predetermined level, identifying a generic response using a third query with fewer terms than said first query or second queries (fig 15, col 9, lines 22-65).

15. As per claim 16, Gazdzinski discloses A method of identifying a resource from a machine-readable reader, comprising the steps of:

a machine-readable reader attaching resources from a resource base based on a result of said step of scanning (fig 15, col 9, lines 22-65);

when a result of said step of input indicates a poor match, outputting to a user-interface (col 9, lines 46-65, col 3, lines 19-43, col 4, lines 5-20), a message suggesting to a user to use a different one of said first and second objects (col 9, lines 46-67, col 10, lines 1-12).

Although Gazdzinski shows substantial features of the claimed invention including reader system, RFID tag, and internet/intranet accessible information base. Gazdzinski does not explicitly teach a machine-readable label (MRL). "Official Notice" is taken that both the concept and advantages

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of providing RFID tag/Smart technology based device can provides scanning from greater distances than bar code scanning. It would have been an obvious modification to the system disclosed by Gazdzinski to use RFID tag system interface and process information from remotely stored resource base.

16. As per claim 17, Gazdzinski discloses a method of identifying a resource from a machine-readable reader, comprising the steps of:

a machine-readable reader associated with a first object with a reader (col 4, lines 5-20) associated with a second object (fig 15, col 20, lines 9 – 42);

matching resources from a resource base based on identifiers corresponding to said first and second objects resulting from said step of scanning (fig 15, col 9, lines 22-65);

when a result of said step of input indicates a poor match, outputting to a user-interface (col 9, lines 46-65, col 3, lines 19-43, col 4, lines 5-20), identifying a resource matching resources from a resource base based on identifiers corresponding to only one of said first and second objects resulting from said step of scanning (col 9, lines 46-67, col 10, lines 1-12).

Although Gazdzinski shows substantial features of the claimed invention including reader system, RFID tag, and internet/intranet accessible

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information base. Gazdzinski does not explicitly teach a machine-readable label (MRL). "Official Notice" is taken that both the concept and advantages of providing RFID tag/Smart technology based device can provides scanning from greater distances than bar code scanning. It would have been an obvious modification to the system disclosed by Gazdzinski to use RFID tag system interface and process information from remotely stored resource base.

### ***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 6,755,883

U.S. Patent 6,691,914

U.S. Patent 6,690,402

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A Siddiqi whose telephone number is (703) 305-0353. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS



JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100